

BOROUGH OF PINE BEACH
 LAND USE BOARD
 REGULAR MEETING MINUTES
 October 17, 2023

The Pine Beach Land Use Board held a meeting on October 17, 2023 in the Municipal Building, 599 Pennsylvania Ave., at 7:30pm. Mr. Higham called the meeting to order and read the Opening Statement: "In compliance with the Open Meeting Law, P.L. 1975 C231, the notice of this meeting was sent to our official newspapers, the Asbury Park Press and the Star Ledger, and also posted on the bulletin board at the Pine Beach Municipal Building and the Pine Beach Post Office. The statement shall become a part of the official minutes of this meeting. This meeting is a judicial proceeding. Any comments or questions must be limited to issues that are relevant to what the board may legally consider in reaching a decision; and decorum appropriate to a judicial hearing must be maintained at all times."

Mr. Higham led the flag salute.

Attendance/Roll Call:

| <u>Mayor Cuneo</u> | <u>Mr. Higham</u> | <u>Mrs. McDonnell</u> | <u>Mrs. Saxton</u> | <u>Mr. Slickers</u> |
|--------------------|-------------------|------------------------|------------------------|---------------------|
| present | present | present | present | present |
| <u>Mr. Wieck</u> | <u>Mrs. Wnek</u> | <u>Mr. Vega (Alt.)</u> | <u>Mr. Zisa (Alt.)</u> | <u>Mrs. Lill</u> |
| absent | present | present | absent | absent(late) |

Also present are Board Attorney, Mr. Brady and Board Engineer, Mr. Savacool

Approval of Minutes:

Mrs. Saxton makes a motion to approve the September 19, 2023, LUB minutes as submitted, motion seconded by Mayor Cuneo. No comments from the board, Mr. Higham, Mrs. McDonnell abstain due to absence on 9/19/23.

| <u>Mayor Cuneo</u> | <u>Mr. Higham</u> | <u>Mrs. McDonnell</u> | <u>Mrs. Saxton</u> | <u>Mr. Slickers</u> |
|--------------------|-------------------|------------------------|------------------------|---------------------|
| yes(second) | abstain | abstain | aye(motion) | aye |
| <u>Mr. Wieck</u> | <u>Mrs. Wnek</u> | <u>Mr. Vega (Alt.)</u> | <u>Mr. Zisa (Alt.)</u> | <u>Mrs. Lill</u> |
| absent | aye | aye | absent | absent |

New Business:

The agenda item of application hearing for block 68 lots 4-6, 706 Motor Rd. has been withdrawn by applicant.

Amended preliminary and final site plan application hearing - Shtander, Pine Beach Landings, Block 77 Lot 29.01, Motor Rd. at Wayne Ave. seven townhouse development with one affordable rental unit.

Mrs. Lill enters the meeting at 7:40pm

Mr. Stephen Leone introduces himself to the board and shares his credentials.
 Stephen Leone of Carluccio, Leone, Dimon, Doyle, & Sacks, L.L.C.
 9 Robbins St.
 Toms River, NJ 08753

The site plan was originally heard before the board in 2006 and memorialized with resolution 2006-09. The proposed seven apartment units front on Motor Ave. and Wayne Ave. and the site plan is in the R1 district where apartments are conditional use.

Mr. Brady swears in Taras Shtander
510 Amsterdam Ave.
Bayville, NJ

Mr. Shtander is the son of the owner and business partner to the applicant.

Mr. Leone asks several questions to Mr. Shtander. In summary Mr. Shtander answers that he has owned the property for two years. The property was previously owned by Mr. David Lipton, Shtander purchased the property with the previous approval from the board. The potential units will be apartments for rent. Mr. Shtander and his father have eight years of experience in building single family homes and masonry. The applicant has the intention to develop the paper street of Wayne Ave. The affordable housing unit requirements are 1.4units. The additional percentage of the affordable housing unit will be a few paid back to the Borough as per applicant. The units will have separate entrances and one car garage per unit. Rent range will be between \$2,500 and \$3,000 per month and the affordable housing unit will be within the establishes range.

Mr. Leone asks the board if they have any further questions for the applicant.

Mrs. Saxton asks the board's attorney to clarify the original approval and if it still stands today with the expiration dates. Mr. Brady adds that the approvals stand unless a change in Ordinance or any amendments have been applied for. The applicant today is not requesting any variances.

Mr. Stuart Challoner of Challoner & Associates- 201 Main St., Toms River NJ 08753
NJ Licensed planner and Engineer was present for original application in 2006.

Mr. Challoner continues with presenting exhibit A1, new site plan drawings and A2, from the previous application in 2006. The footprint of the two buildings is the same, the change in plans is to accommodate the current codes.

Mrs. Wnek questions to applicant that the original application was for luxury condos, today, the application is for apartments, is this considered a change in the application. Mr. Leone states that the board has no jurisdiction in the type of ownership of the units or potential sales.

Mr. Challoner continues that the major changes from the application in 2006 and the application before the board tonight are the 25ft buffer per Borough Ordinance for landscaping. Motioning to the A1 & A2 presentation, Mr. Challoner shows the reflected change in building positions, sliding over to make these accommodations. Storm water requirements from the DEP regulations in reference to drainage and the added bio-retention system as well as the underground recharge system infiltration on site are an additional change proposed by Mr. Challoner to meet today's requirements. The landscaping remains the same. Applicant is installing street lighting and street parking.

Mr. Higham asks the applicant's engineer if they are adding utilities to the street they are developing. Mr. Challoner responds that yes, they are installing sewer down Wayne Ave. and making improvements to the Motor Rd. frontage with curbing and sidewalks.

Mr. Challoner reads through the board of Engineer's review letter dated 8/10/23.

The subject property is a corner lot, located on the western corner of the intersection of Motor Road and Wayne Avenue (unimproved). It lies within the B-1 (Business Highway) Zone and comprises an area of 30,500 square feet. The property contains (12) concrete pads (previously used for mobile homes), a concrete wall (approx. 190 feet long), various trees & plantings, and dirt driveways and parking areas. The property slopes generally to the north-east, towards the intersection of Motor Road & Wayne Avenue.

The applicant proposed to develop the property for apartment dwelling Use. The following improvements are proposed:

1. Construction of (2) two 2-story apartment buildings, with (4) units in one building along Wayne Avenue and (3) units in the second building along Motor Road, totaling (7) proposed units. The proposed buildings contain rear yard decks and individual paved driveways to each unit.
2. Within the public right-of-way of Wayne Avenue, it is proposed to construct an improved street along the property's frontage. Wayne Avenue is currently unimproved and is proposed to have the roadway constructed along the property frontage with a gravel turn around at the terminus.
3. Within the public right-of-way of Motor Road (County Road), it is proposed to be widened and receive curbing, sidewalk, driveway aprons, etc.
4. The Borough's potable water and sanitary sewer facilities are proposed to be extended within Wayne Avenue from Motor Road.
5. Street lighting, street trees, and site landscaping improvements are proposed.
6. On-site and Off-site stormwater management is proposed. The point of discharge is to an existing inlet within Motor Road, which is approximately 300 feet north of the site.

Site Plan Approval is required for the amended site plan in accordance with Borough Ordinances.

Mr. Slickers asks the applicants' engineer if the Affordable Housing unit is a fractional unit. Mr. Challoner responds yes, as set by Borough Ordinance with fee.

Mrs. Saxton questions where the garbage cans would be kept at the units, Mr. Challoner responds that there is an extra 3ft next to stairs on the architectural plans. Mr. Saxton expresses a concern that if the units use the garage space for storage the overflow of parking will be in the surrounding streets.

Mr. Brady states that the applicant has met the requirement for parking per unit.

Mr. Challoner continues with the locations of the additional street parking. Four striped spots located on Wayne Ave. with the applicant agreeing to provide no parking signs outside of the designated parking areas. The new curbing being installed will limit the parking on Motor Rd.

Mrs. Saxton directs concern towards the development of the property and the mature, historical trees on the site. Mr. Challoner agrees to meet with the Borough Engineer, or as representative, to walk the property and mark any trees that can be saved outside of the footprint and not affect the drainage needs.

Mrs. Saxton asks the delivery method for mail service; Mr. Challoner responds that mail delivery will be in a single location on Motor Rd. and a turnaround is provided on Wayne Ave. The applicant will comply with maintaining all site triangles regarding the landscaping and signage.

Mr. Challoner continues with the Board Engineer's letter; applicant will be providing a privacy fence between lots and will maintain the Borough's code for fencing and setbacks. The applicant is also installing a bio-basin and the plantings will be under the 30-inch requirements. The applicant has obtained the utility approvals necessary. Applicant is installing sidewalks and curbing along Motor Rd frontage. For snow removal, Motor Rd is a County road and Wayne Ave will be maintained by the Borough. The turnaround provided on Wayne Ave is agreed upon by applicant and engineer to be extended for larger emergency and maintenance vehicles. Access to potable water on site, Mr. Stocco, Zoning and Code Official states the requirements for signage for fire safety, Mr. Challoner and applicant assure that these will be installed per code.

Mr. Challoner states that the lighting is residential and street lighting installed in Borough right-of-way by JCP&L.

Mrs. Wnek asks the types of trees and shrubs used for shade trees and screening. Mr. Challoner responds to evergreens as a buffer to adjacent property, Mrs. Saxton encourages the Environmental Commission using the Jersey Friendly yards, Mr. Challoner agrees to comply with native plants and any advisory given from the board.

Mr. Brady states that item 29A states HOA will be established, without an HOA will the owner be responsible for the maintenance of the recharge system, Mr. Challoner agrees the maintenance of the recharge system is on the owner.

Mrs. Saxton questions the change in the architectural plans from the original submission in 2006. Mr. Challoner mentions that plans were changed to meet today's codes. Mrs. Saxton shares her concern about the use of the

basement as more than storage. The safety concern of use of basement that is not considered living space. Mr. Challoner suggests a deed restriction for the non-living space in the basement.

Mr. Brady agrees to add the deed restriction for the use of the basement. No bedrooms will be permitted in the basement of the units by deed restriction. The Borough will be responsible for upholding these deed restrictions when a zoning or UCC permit is applied for. A deed restriction suggestion is added by Borough LUB Engineer, Mr. Savacool, after concern is voiced by Mrs. Saxton that the units can also convert garage space into living space.

Mayor Cuneo questions where the height of the two buildings will be taken and if the topography changes significantly between the two streets. Mr. Challoner states the change is not significant and reads the site plans spot grading.

Mr. Leone concludes the applicant's testimony. Mr. Slickers makes a motion to open to public comment, motion seconded by Mrs. Wnek, all are in favor.

Mike Coskey of Greenbaum, Rowe, Smith, & Davis
331 Newman Springs Road
River Centre Building 1, Suite 122
Red Bank, New Jersey 07701

Mr. Coskey is the attorney representing adjacent property owner Longstreet Investments of 234 Grant Ave. Mr. Coskey has spoken with the applicant's counsel to express his client's concerns. They have come to an agreement on two items. The first item of applicant installing privacy fencing between property lines that meet Borough codes. The second item agreed prior to hearing is a thirty-day period to find any detrimental impact in respect to drainage. If Longstreet's engineer finds any detriment, the applicant is willing to amend and revise the issue. Mr. Leone states that the applicant agrees to these conditions.

Irma Haney -218 Grant Ave., Pine Beach

Mrs. Haney is sworn in by Mr. Brady. Mrs. Haney explains that she is the adjacent neighbor to left on Wayne Ave. the paper street. Mrs. Haney shows her property location for the board. Mrs. Haney states that the current condition of the property is without a privacy fence, she asks the applicant if they can install a privacy fence between the lot lines of her lot and the applicant's. Mr. Leone states applicant agrees to install privacy fencing and buffer between lot lines. Mrs. Haney expresses her concern with foot traffic through her property currently and with the new units being installed her concern is for her property. Mr. Leone expresses that concerns about this matter should be directed towards the Borough Council or the Police Department. The paper road must be improved for turnarounds for emergency equipment. Mr. Challoner says that the proposed improvements on Wayne Ave. leave for 30ft for safety equipment, in his professional opinion is ample space.

Mrs. Saxton questions how the storing of commercial vehicles will be managed with the limited off-street parking provided at each unit. Mr. Stocco adds that the Borough code does not allow for commercial vehicles over a set gross weight to be on public street. The enforcement of parking in designated spots will be a Police matter. The use of the units is residential, no business permitted at these locations. Mr. Challoner expresses that the turnaround has been extended to 70ft from edge of pavement, sewer and water lines would run on Wayne Ave.

Mr. Terry Haney- 218 Grant Ave, Pine Beach

Mr. Haney is sworn by Mr. Brady. Mr. Haney asks where the fire hydrant is being installed for these new units. Mr. Challoner expresses that the new hydrant will be installed at the end of Wayne Ave. as per plans. Mr. Haney asks for the material being used to complete the turnaround on Wayne Ave. Mr. Challoner states gravel turnaround with streetlights being installed.

Juan Alicia, Pine Beach Volunteer Fire Chief- 525 Prospect Ave., Pine Beach

Chief Alicia the width and material used for the Wayne Ave. improvements with concern of the large truck being used. A gravel road in a tight turnaround is a concern for the department. Another concern is the access to the basement, after confirming on the architectural plans it's only access through the unit front and rear door. Chief Alicia expresses that if these units had bilco doors or another point of access it would limit these safety concerns. Mrs. Lill asks if there are any other public comments, Mayor Cuneo makes a motion to close the public portion seconded by Mr. Vega.

Mrs. Wnek asks board attorney if this site development requires the statutory electric vehicle stations? Mr. Brady responds that he believes it is based on parking spots. Mr. Savacool agrees to investigate requirements and the applicant is willing to comply if necessary.

Mrs. Lill asks if the plans will meet the fire and safety codes with concern to the basement and non-living space. Mr. Stocco expresses that the plans submitted to the construction office will be reviewed for compliance with codes. He does not believe these units must be on a sprinkler system, but the Fire Code official will provide this information during plan review. Mrs. McDonnell expresses her concern with the basements not having egress for the families. Mr. Brady expresses they cannot impose restrictions without a Borough Ordinance to comply with.

A motion is made by Mr. Slickers to approve the application with the provided testimony in compliance with all zoning ordinances of the Borough as well as no variances being requested. The added deed restriction limiting the use of basement and garage as non-living space to be listed in approval. The installation of privacy fencing between adjacent lots as agreed upon by applicant to be listed within the approval. The clearing and improvement of 20 additional feet on Wayne Ave. with turn-around as agreed upon with the applicant, no commercial signs installed at site, the advisory approval from the Environmental commission, and the storm water management system will have a 30-day evaluation period for adjacent neighbor to review and applicant shall revise if engineer finds any detriments to adjacent lot, all to be memorialized in approval. Electric vehicle compliance if applicable, and no-parking signs to be installed by applicant for gravel turn-around area, as agreed upon by applicant. Motion is seconded by Mayor Cuneo.

| <u>Mayor Cuneo</u> | <u>Mr. Higham</u> | <u>Mrs. McDonnell</u> | <u>Mrs. Saxton</u> | <u>Mr. Slickers</u> |
|--------------------|-------------------|------------------------|------------------------|---------------------|
| yes(second) | yes | yes | no | yes(motion) |
| <u>Mr. Wieck</u> | <u>Mrs. Wnek</u> | <u>Mr. Vega (Alt.)</u> | <u>Mr. Zisa (Alt.)</u> | <u>Mrs. Lill</u> |
| absent | yes | yes | absent | yes |

Mayor Cuneo votes yes and stresses the importance of maintenance and upkeep for the owner. Mr. Higham votes yes based on the testimony given and the agreements made with the concerned public. As for the fire safety concern, importance in the applicant will follow all requirements. Mrs. McDonnell is concerned with the fire safety in the basements and the removal of the large trees at the site. With all conditions agreed upon and the agreement with the neighbors, she votes yes. Mrs. Saxton votes no. She expresses that she was born and raised in the Borough of Pine Beach and after the testimony given, she feels there are still unanswered questions that need to be ironed out before an approval is given. Mr. Slickers agrees that the application from 2006 and today are different with change from condominiums to apartments, with no authority in ownership. The applicant has met all zoning requirements and within the presentation he feels this will be a benefit for more affordable housing in the area, he votes yes. Mrs. Wnek is hesitant to approve this type of development. The rental units verse owner occupied units is a concern. The buildings do fit in with the character of the neighborhood. She votes yes to entrusting the applicant to meet all safety requirements as well as the maintenance of the site. She also expresses appreciation for accommodating the neighbors' concerns. Mr. Vega states he would rather the units be owner occupied verse rental, but the presentation was good and with all conditions being met, he votes yes. Mrs. Lill votes yes. The applicant does not request any variances and conforms to all zoning codes. The applicant has also met conditions to ensure this site serves the betterment of the community. The use of one affordable housing unit as well as the fee to offset the percentage of less than one unit is also beneficial to the Borough.

Mr. Leone thanks the board and professionals for their time and applicant as well as their professionals leave the meeting.

Old Business

The small committee has met with the zoning officer for a change in Ordinance, they will give suggestions to the board for approval before sending them to the Mayor and Council.

Vouchers for Payment:

Vouchers to be paid: **\$312.50**

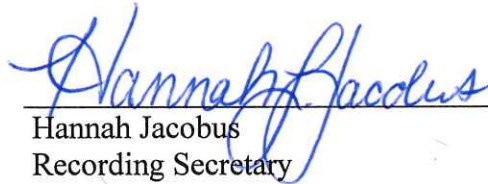
Mrs. Saxton makes a motion to pay vouchers pending funds, seconded by Mrs. McDonnell. All are in favor.

Public Portion:

Mayor Cuneo makes a motion to open the meeting to public portion, seconded by Mr. Vega. All are in favor. Hearing no public comment, Mayor Cuneo makes a motion to close public portion, seconded by Mr. Higham, all in favor.

Adjournment:

A motion was made to adjourn the meeting by Mayor Cuneo, a motion seconded by Mr. Vega.



Hannah Jacobus
Recording Secretary